

(E) CERTIFICATE OF INSPECTION.

IF INSPECTION SHOWS THE NURSERY TO BE FREE FROM DANGEROUSLY INJURIOUS INSECTS, OTHER ANIMAL PESTS, OR PLANT DISEASES, THE SECRETARY SHALL GIVE THE OWNER OR PERSON IN CHARGE OF THE NURSERY A CERTIFICATE OF INSPECTION SHOWING THE NURSERIES OR PREMISES TO BE APPARENTLY FREE FROM DANGEROUSLY INJURIOUS INSECTS, OTHER ANIMAL PESTS, OR PLANT DISEASES.

(C) DESTRUCTION OF DISEASED NURSERY STOCK.

IF DANGEROUSLY INJURIOUS INSECTS, OTHER ANIMAL PESTS, OR PLANT DISEASES ARE FOUND IN ANY NURSERY, ORCHARD, OR ANY PREMISES WHERE NURSERY STOCK IS GROWN, THE SECRETARY SHALL DESTROY OR TREAT THE PORTION OF THE NURSERY STOCK HE DEEMS NECESSARY. HE SHALL RELEASE ALL OTHER NURSERY STOCK GROWN ON THE PREMISES, AND ISSUE A CERTIFICATE OF INSPECTION TO THE OWNER. IF THE SECRETARY DESTROYS ANY INFESTED OR INFECTED NURSERY STOCK, THE OWNER SHALL PAY THE COST. IF THE OWNER REFUSES TO PAY THE COST, IT SHALL BE COLLECTED AS PRESCRIBED IN §5-307.

REVISOR'S NOTE: This section presently appears as the first sentence of Art. 48, §79 of the Code. Subsection (a) is revised by amendment to require the Secretary to inspect at least once a year because the General Assembly concluded that it is not necessary to require inspections more frequently. The reference to "nurseries of trees, vines, shrubs, and plants" in this and subsequent sections is proposed for deletion and reference to "nursery stock" is substituted in light of the definition of "nursery stock" in §5-301(c). The present reference to "aforesaid insects or diseases" is proposed for deletion and the phrase "dangerously injurious insects, other animal pests, or plant diseases" is added throughout this section. This phrase is the only reference to "insects or diseases" used in the present statute.

The last sentence is proposed for deletion because its substance appears as new language in §5-311.

The only other changes made are in style.